

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

RANDALL L. McDONALD,)
)
Petitioner,)
)
vs.) No. CIV-11-879-C
)
RODNEY REDMAN, WARDEN,)
)
Respondent.)

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Supplemental Report and Recommendation on November 9, 2011, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. In his objection, Petitioner merely re-urges matters considered and properly rejected, and raises no argument of fact or law which would suggest or permit a result contrary to that recommended by the Magistrate Judge.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 17), and for the reasons announced therein, the petition for habeas corpus relief is dismissed as untimely. As no amendment can cure the defect, this dismissal acts as an adjudication on the merits, and a judgment will enter.

IT IS SO ORDERED this 29th day of November, 2011.



ROBIN J. CAUTHRON
United States District Judge